

EXECUTIVE OFFICE, STATE OF TEXAS,

May 4, 1874.²⁹

To the Hon. Senate of the State of Texas:

I return herewith without my approval Senate Bill No. 371, being "An act declaring an act to incorporate the City of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the City of San Antonio, approved July 17, 1856, an act to incorporate the City of San Antonio, approved February 11, 1860, and an act to incorporate the City of San Antonio, and grant a new charter to said city," approved August 13, 1870, one of the unpublished special laws of the Thirteenth Legislature.

My objection to this bill is that it is an unconstitutional exercise by the Legislature of judicial functions.

Section one of article two of the Constitution expressly forbids the Legislature to perform judicial acts. The Fourteenth Legislature may enact what shall be law from this time on, but have not the power to decide what acts of the Thirteenth Legislature are and what are not law. In dividing the powers of the government, the Constitution has devolved the decision of these questions upon the Judiciary, and this bill is an invasion of the rights of that department of the government.

I respectfully ask a reconsideration of the bill.

Very respectfully,

RICH'D COKE.

²⁹*Senate Journal*, 583-84.